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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,985	04/11/2001	Takashi Kinoshita	Q63469	8913

7590 02/21/2003

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EXAMINER

CHANG, VICTOR S

ART UNIT PAPER NUMBER

1771

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/829,985

Applicant(s)

KINOSHITA ET AL.

Examiner

Victor S Chang

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133)
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.

1) ☐ Notice of Draftsperson's Patent Drawing Review (PDA) (401)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_

4) ☐ Notice of Informal Patent Application (NIPA) (401)

6) ☐ Other

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-12 and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Examples include:

In claim 1, line 2; claim 13, line 4; claim 17, line 5; and claim 18, line 6, the term "over" renders the structural relations between the layers vague and indefinite.

In claim 10, line 2, the Examiner suggests change "exposed" to --outer--.

In claims 13, 17 and 18, layer A and layer B have no relationship to anything else in claim; also at the last line, the phrase "directly or indirectly" is not understood.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in the prior art if it was obvious to one of ordinary skill in the art at the time the invention was made.

Examiner, and the prior art, the examiner is not bound by the prior art.

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4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaoka et al. (US 5616420).

Yamaoka's patent is directed to a laminate film or sheet which is excellent in drop impact strength, heat sealability, hygienic qualities and flexibility (column 1, lines 3-5).

For claims 1-2, 4-5 and 13-15, Yamaoka teaches that the laminate film having at least three layers, the three layers being (A) an intermediate layer and (B) two outer layers, the intermediate layer (A) being composed of a resin composition comprising 20 to 100% by weight of an amorphous polyolefin containing at least 50% by weight of a propylene and/or butene-1 and 80 to 0% by weight of a crystalline polypropylene, and the two outer layers (B) being composed of a resin composition comprising a polyolefin and a thermoplastic styrene elastomer (column 1, line 63 to column 2, line 4). In one embodiment, the polyolefin in layer (B) is propylene resin (column 2, lines 13-14). Further, Yamaoka teaches that the laminate can be used as substrates for adhesive tapes (column 1, lines 49-54).

For claim 3, Yamaoka teaches that, in another embodiment, the outer layer (B) contains propylene resin only, as the polyolefin is suitable for use as a bag for preserving blood platelets (column 2, lines 24-28).

For claim 6, Yamaoka discloses that the resin composition for the layer (A) may optionally contain additives, fillers, etc. Further, other thermoplastic resins, thermoplastic elastomers, rubbers, etc. can be optionally added (column 4, lines 20-27).

For claims 7 and 8, Yamaoka teaches that thermoplastic styrene elastomers for

For claim 9, Yamaoka teaches that polyolefins which can be used for the layer (B) are not specifically limited and include copolymers of ethylene and propylene, and modified products of ethylene resins can be used, as is the case with layer (A) (column 4, lines 38-58), which include propylene/ethylene random copolymer (column 3, lines 57-59).

For claim 10, Yamaoka teaches that the laminate film may be embossed on one side or both sides (column 8, lines 31-33).

For claims 11, 12 and 16, Yamaoka teaches that the layer thickness is not specifically limited and can be optionally selected. Usually the overall thickness of the laminate film is in the range of about 15 to about 1,500  $\mu\text{m}$ , while the thickness of each layer is in the range of about 2 to about 1,000  $\mu\text{m}$ . Further, the thickness proportions of the layers (A) and (B) are not critical (column 7, lines 14-20). As such, it would have been an obvious optimization to one skilled in the art to modify the thickness of each layer in Yamaoka's laminate film based on the specific end use.

For claims 17 and 18, it is believed that forming an adhesive plaster from adhesive tape and making a first-aid adhesive tape with a liquid-absorbing pad disposed in a center region of a pressure sensitive adhesive are old and well known.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 703-605-4296. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

VSC  
February 13, 2003

DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP ~~1900~~  
1700

*Daniel Zinker*